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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/732,800	12/11/2003	Matthias Eisengruber	051481-5126

CONFIRMATION NO. 5876

FORMALITIES LETTER



OC000000012115288

Date Mailed: 03/17/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

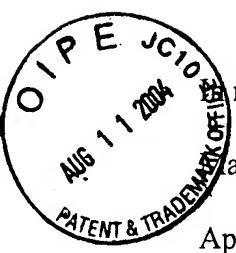
08/12/2004 JBALINAN 00000077 500310 10732800

01 FC:1001 770.00 DA
 02 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re Application of:)
 Matthias EISENKRUBER, et al.) Confirmation No.: 5876
 Application No.: 10/732,800) Group Art Unit: 3747
 Filed: 11 December 1003) Examiner: Unassigned
 For: APPARATUS, SYSTEM AND METHOD)
 OF USING A VIBRATION BEAM WITH)
 A PIEZO-ELECTRIC ACTUATOR)

U.S. Patent and Trademark Office
 2011 South Clark Place
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 Crystal Plaza Two, Lobby, Room 1B03
 Arlington, Virginia 22202

RESPONSE TO NOTICE TO FILE MISSING PARTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed March 17, 2004.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

No declaration or oath was filed. Enclosed are the original Combined Declaration and Power of Attorney.

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

06/12/2004 JDA/LINAH 00000077 500310 10732800 Also enclosed is the Verification of Translation Document.

03 FC:1253 950.00 DA

1-WA/2206213.1

4. Small Entity Status

Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

Extension of time fee due with this request: \$ 950.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicants believe that no extension of time is required. However, in the event applicants have inadvertently overlooked the need for a petition and fee for extension of time, applicant hereby petitions for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

				Fee Code
Basic Fee				\$770.00 1001/2001
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)	
Total Claims	16 - 20 =	0	\$18/\$9 each=	\$ 0.00 1202/2202
Independent Claims	3 - 3 =	0	\$86/\$43 each=	\$ 0.00 1201/2201
Multiple dependent claim(s), if any			\$290/\$145	\$ 0.00 1203/2203
SUB-TOTAL =				\$770.00
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))				\$130/\$65 \$130.00 1051/2051
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))				\$110/\$55 (1 Month) 1251/2251 \$420/\$210 (2 Months) 1252/2252 \$950/\$475 (3 Months) 1253/2253 \$1480/\$740 (4 Months) 1254/2254 \$2010/\$1005 (5 Months) 1255/2255
SUB-TOTAL =				\$1,850.00
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))				\$130.00 \$ 0.00 1053
Assignment Recordation Fee				\$ 40.00 \$ 0.00 8021
TOTAL FILING FEE =				\$1,850.00

8. Fee Payment

- Enclosed is a check in the amount of \$ _____ representing the total fee due.
- The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

Preliminary Amendment
 Transmittal of Replacement Drawings with 9 sheets of drawings
 Claim for Priority
 Certified copy(ies) of priority document(s):
 Information Disclosure Statement
 Form PTO-1449, _ references as listed
 Declaration of Biological Deposit
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 Other:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Scott J. Anchell
Reg. No. 35,035

Date: August 11, 2004

CUSTOMER NO. 09629
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Attorney Docket No.: 51481-5126

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Matthias EISENGRUBER, et al.) Confirmation No.: 5876
Application No.: 10/732,800) Group Art Unit: 3747
Filed: 11 December 1003) Examiner: Unassigned
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TRANSMITTAL OF DRAWING REPLACEMENT SHEETS

Sir:

Approval is respectfully requested for the substitution of the attached 9 sheets of formal drawings, Figures 1-10. These sheets of formal drawings replace the informal drawings filed 11 December 2003.

It is respectfully submitted that these changes introduce no new matter as they conform to the specification and/or drawings as originally filed, pursuant to 37 C.F.R. § 1.81(d).

If there are any fees due in connection with the filing of these drawings, the Commissioner is hereby authorized to charge any additional fees due to Deposit Account No. 50-0310.

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS LLP

Date: 11 August 2004

By: Scott J. Anchell
Scott J. Anchell
Reg. No. 35,035

CUSTOMER NO. 009629

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